

April 25, 2012

Dear Senator Rocca and the Senate Committee on Regulatory Reform,

I am contacting you to express my concern about House Bill 4561, and its potential consequences for the construction industry in Michigan. As a skilled trade educator I have spent many years teaching electricians, electrical contractors, architects, and engineers about the nuances of the National Electrical Code and its application to the built environment. I am concerned not only as an educator, but also as an advocate for electrical professionals, about the potential consequences of this bill and the negative effects that it is likely to have on both the construction and manufacturing sectors in Michigan. In short, this bill is bad for businesses in Michigan. It would create confusion regarding the approval and inspection standards used in our state, and would create additional costs for contractors who would bear the burden of convincing building code officials to allow the installation of products allowed under new codes while the State remained on an older code. The cost of these appeals can be significant, amounting to thousands of dollars if hearing fees, lost time for information gathering and submittal, and project delays are taken into consideration.

Initially this bill was proposed to reduce the cost to building departments by decreasing the frequency of having to buy new code materials. However, this argument does not hold up since the bill as presently worded allows a contractor to implement the provisions of a newer version of the code while the state remains on an older version. The bottom line is that building departments will still have to purchase the newer codes in order to make a determination as to whether an installation, or proposed installation, is safe. In the meantime, safety would be compromised since the new code provisions would only be allowable but not enforceable. There are safety issues and remedies which are being discussed right now which need to find their way into the Code as soon as possible. Creating additional delays in code adoption at the state level has the potential to reduce safety for the public.

As an educator I am concerned about the ramifications of HB 4561 relative to training industry professionals. The program that I work for is affiliated with the National Joint Apprenticeship Training Committee, an internationally recognized developer and coordinator of educational materials and programs for the electrical industry. That program, like most others, updates its course materials every three years as the new edition of the National Electrical Code is released. How are we then to devise effective training programs for the members of our industry if Michigan is on a significantly different cycle from most of the rest of the country? Pedagogically, it is much more difficult to devise relevant and effective training programs when they are not based on consecutive editions of the code.

While attending the 2011 Mackinac Policy Conference, I heard Professor Michael Porter state that "productivity is the iron law of the economy", and he advised that all governmental regulation should be developed by asking a fundamental question: "Is this making us more productive?" He noted that there are a number of things which government can do to help facilitate economic growth. Four of the things that he listed are:

- 1) Simplify and speed up regulation and permitting.
- 2) Reduce unnecessary costs of doing business.
- 3) Establish training aligned with business needs.
- 4) Design all policies to support emerging growth companies.

Unfortunately, in my opinion, HB 4561 fails in all of these areas and should therefore be rejected. Utilizing current codes, based upon national input from a wide variety of industry experts helps keep Michigan in step with rapidly changing technological developments, and simplifies doing business for contractors, manufacturers, and building code officials. The current method of reviewing and updating our building codes based upon the latest iteration of their national counterparts has served the construction industry well and should be retained. I ask that you reject the adoption of HB 4561.

Respectfully,

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